

consistent with the 1996 Act — ILECs should be able to recover costs for CMRS-provider use of dedicated transport facilities through existing access tariffs.

CompTel submits that, for the same reasons, common or tandem switched transport costs should be recovered from CMRS providers just as they are from interexchange carriers, *i.e.*, through the existing access tariffs.⁴¹ No other result is consistent with the principle of nondiscrimination and cost-based pricing where the use of the ILEC network is the same.

The access transport rate structure in all of its particulars should be the same for CMRS interconnection and IXC access, including the option (to the customer) of a single charge for tandem switched transport between the ILEC "serving wire center" and ILEC the end offices serving end users.⁴² For CMRS carriers that use the tandem switch, the *Notice* conflicts with existing transport orders and would permit only one option — the "partitioned" rate structure: flat-rate transport to the tandem switch and measured-rate transport from the tandem switch to the ILEC end office.⁴³ While such a partitioned option should be made available, standing alone it does not mirror the existing interstate access charge structure, which provides a full traffic-sensitive tandem switched transport option for transport from the point of entrance to the ILEC network through the ILEC end office serving the end user.⁴⁴

Apart from questions of discrimination between CMRS providers and IXCs, the continued availability of the "unitary" tandem switched transport option is in the public

⁴¹ See *Notice* ¶ 65 (seeking comment on whether and how the ILECs should recover from CMRS providers the costs of tandem switched transport where used by the CMRS provider).

⁴² This single usage-based charge for tandem switched transport is sometimes referred to as the "unitary" rate.

⁴³ *Notice* ¶ 63.

⁴⁴ Moreover, virtually all State PUCs that have addressed the issue have adopted a local transport rate structure that provides for both the "unitary" and "partitioned" options.

interest because it reflects the physical fact that the ILEC interoffice network is actually shared by carriers using it. All digital facilities are "dedicated" for the fraction of the time a particular circuit is in use. Those carriers that purchase dedicated transport have merely made a time-reservation on what is otherwise a shared network. This justifies the flat rate that they pay for such transport, but it does not render their use of the interoffice network facilities any less shared than that of a carrier selecting tandem switched transport.

In the long run, CompTel submits that the access transport rate *structure* adopted in CC Docket No. 91-213 is conducive to efficient pricing for carrier use of the ILEC network. In other words, it is possible to establish cost-based rates using such a structure. Cost-based *rates* as contemplated by the 1996 Act, however, are not guaranteed under this structure. To achieve that end, and efficient use of the interoffice network, CompTel strongly urges the Commission to commence its promised Access Charge proceeding. *See Notice ¶ 17*. The goal of that proceeding should be to ensure, consistent with the requirements of Section 251 of the Act, that any rate level differences between various transport options should only reflect cost differences. Further, the rates themselves should reflect the direct costs of providing transport, as Section 252(d)(1) of the 1996 Act requires. Until that proceeding occurs, however, both CMRS providers and IXC's should be required to purchase access transport from the ILEC's existing access tariffs.

V. CMRS PROVIDERS SHOULD BE ABLE TO CHARGE IXC'S FOR THE TERMINATION AND ORIGINATION OF CALLS ON THEIR NETWORKS

CompTel agrees with the Commission that CMRS providers should be able to recover access charges from IXC's for the origination and termination of calls on the CMRS

networks.⁴⁵ Certainly the termination or origination of interexchange calls imposes some cost on the CMRS providers' networks for which they deserve compensation. In order to avoid an intrusive examination into CMRS providers' costs, however, CompTel proposes that the FCC apply a cap to the access charges that an IXC has to pay for calls that originate or terminate on a CMRS provider's network. Specifically, the combined ILEC-CMRS access charges assessed against the IXCs should be no greater than those assessed by the ILEC for calls that originate and terminate on the ILEC network.

VI. CONCLUSION

For the foregoing reasons, the Telecommunications Act of 1996 requires that CMRS-ILEC interconnection be treated on the same basis as uses of the ILECs' networks by other telecommunications carriers. The Commission should and must adopt regulations to ensure that prices for use of the ILEC networks by all telecommunications carriers are cost-based

⁴⁵ Notice ¶ 116.

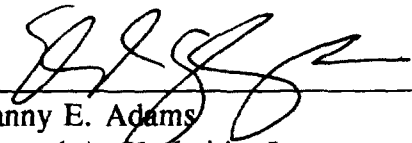
and that all carriers pay the same rates when they use the same features or functions of the ILECs' networks.

Respectfully submitted,

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